IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.717 OF 2006

Sarjerao Ramchandra Jadhav ...Applicant

vs.

Datta Krishna Dange and Ors. ...Respondents

Mr.Milind Deshmukh for the Applicant
Mr.A.P.Vanarse for Respondent Nos.1 to 8
Mr.U.V.Nikam,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : SEPTEMBER 4,2006.

P.C.:

1. Heard Shri Deshmukh for the Applicant. The Applicant is the original complainant who filed a private complaint alleging that the Respondent Nos.1 to 8 have committed offences punishable under section 323, 504, 506 read with section 34 of the Indian Penal Code. Shri Deshmukh for the Applicant submitted that in the cross complaint filed by some of the accused persons their presence at the scene of offence has been admitted. He submitted that only because of minor and insignificant discrepancies in the evidence of prosecution witnesses, order of acquittal has been passed. He submitted that the evidence of witnesses was consistent with the medical record.

2. I have considered the submissions. The learned Magistrate has considered the entire oral and documentary evidence on record and found that the evidence of the complainant himself

cannot be accepted. The learned Judge has noted that the case made out by the Applicant was that he sustained injuries on right arm. The learned Judge found from the evidence of the Medical Officer that there are at at least three injuries on the chest of the Applicant. The learned Magistrate has observed that the complainant-Applicant has not explained the injuries on the chest.

3. The learned Magistrate has referred to the evidence of other prosecution witnesses and especially evidence of P.W.No.2 Deepak Machindra Gaikwad and has recorded a finding that the evidence of the said witnesses was inconsistent with the case made out by the Applicant.

4. After having heard the Advocates for the parties and after perusing the Judgment, I am of the opinion that the view taken by the learned Magistrate is a possible view which could have been taken on the basis of material on record. No case is made out for grant of leave. Application is rejected.

JUDGE